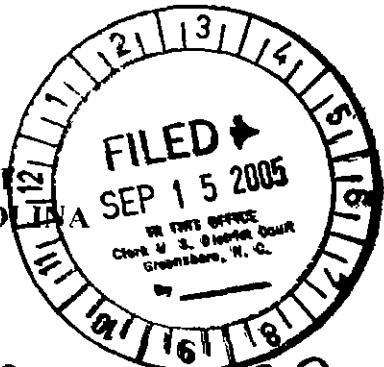


**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**



George Anthony Dallas,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:05CV00809
	)	1:97CR266-1
	)	
United States of America,	)	
	)	
Respondent.	)	

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Petitioner, a federal prisoner, has submitted a motion to vacate, set aside, or correct sentence pursuant to 28 U S C § 2255. This motion cannot be further processed for the following reasons:

- 1 Motion is not on proper § 2255 form - Forms enclosed
  
  
- 2 An insufficient number of copies was furnished. Petitioner must submit an original and two copies. Rule 3(a), Rules Governing § 2255 Proceedings. Note that at least one of the copies must bear petitioner's original signature.

Because of these pleading failures, this particular motion should be dismissed, but without prejudice to petitioner filing a new motion properly following the 28 U S C § 2255 forms, correcting the defects of the present motion. The Court has no authority to toll the statute of limitation, therefore it continues to run, and petitioner must act quickly if he intends to pursue this motion. See Spencer v. Sutton, 239 F 3d 626 (4<sup>th</sup> Cir 2001). To further aid petitioner, the Clerk is instructed to send petitioner § 2255 forms and instructions.

**IT IS THEREFORE RECOMMENDED** that this action be filed and dismissed sua  
sponte without prejudice to petitioner filing a corrected motion on the proper § 2255 forms



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**Wallace W. Dixon, U S. Magistrate Judge**

September 15, 2005